



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CONSTRUCTION CODES COORDINATING BOARD**

**c/o DCRA – 1100 4th Street, SW, Washington, DC 20024**

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**CODE CHANGE PROPOSAL FORM**

**PAGE 1 OF 13**

**CODE:** Property Maintenance

**SECTION NO.** Chapter 1

**SUBCOMMITTEE AMENDMENT NO.** PMC-PropM-1-1-13

**PROPOSING SUBCOMMITTEE:** Prop Maint

**CHAIR:** Englebert

**PHONE:** 202- 442- 4385

**E-mail:** gary.englebert@dc.gov

**DATES OF PROPOSAL:** 5-14-2012

**CCCCB PRESENTATION:** 5.21.12

**CCCCB APPROVAL:** 6.25.2012

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CHECK ONE

☐ *Revise section to read as follows:*

☒ *Delete section and substitute the following:*

☐ *Add new section to read as follows:*

☐ *Delete section without substitution.*

**TYPE ALL TEXT IN 12-POINT TIMES NEW ROMAN FONT**

~~**LINE THROUGH TEXT TO BE DELETED**~~ (highlight text, under *Format*, click font and check strikethrough)

**UNDERLINE TEXT TO BE ADDED**

Use additional sheets of the form, if necessary.

*Strike Chapter 1 of the International Property Maintenance Code in its entirety and insert new Chapter 1 to the Property Maintenance Code in its place to read as follows:*

See next page.

Anticipated impact of code change on cost of construction (CHECK ONE)

☐ *Increase*

☐ *Decrease*

☒ *Negligible*

☐ *Unknown*

*Per 1,000 SF single-family dwelling*

*to*

*Per 1,000SF of commercial building*

*to*

**JUSTIFICATION OF CHANGE:**

Please reference one or more of the criteria required

☐ **To address a critical life/safety, health, general welfare need.**

☒ **To address a specific District of Columbia policy or statute**

☐ **For consistency with federal, or with reference to the Metro DC area (MD, VA) codes**

☐ **Address a unique character issue in the District of Columbia**

☐ **Correction of errors and omissions**

☐ **Other (explain)**

This code change was approved during the 2009 code cycle.



## **101 GENERAL**

**101.1 Title.** The *D.C. Property Maintenance Code* (2012), hereinafter referred to as the “*Property Maintenance Code*,” shall consist of the *International Property Maintenance Code* (2012), as amended by the *D.C. Property Maintenance Code Supplement* (2012) (12 DCMR G).

**101.2 Scope.** The scope of the *Property Maintenance Code* shall be as defined in Section 101.4.5.2 of 12 DCMR A.

**101.3 Intent.** The intent of the *Property Maintenance Code* shall be as defined in Section 101.4.5.3 of 12 DCMR A.

**101.4 Severability.** The provisions of Sections 102.5, Partial Invalidity, and 102.5.1, Segregation of Invalid Provisions, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

## **102 APPLICABILITY**

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of the *Property Maintenance Code* and the referenced standards, the provisions of the *Property Maintenance Code* shall apply. Where, in a specific case, different sections of the *Property Maintenance Code* specify different requirements, the most restrictive shall govern.

**102.2 Maintenance.** Equipment, systems, devices and safeguards required by the *Property Maintenance Code* or a previous regulation or code under which the structure or *premises* was constructed, altered, or repaired shall be maintained in good working order. The requirements of the *Property Maintenance Code* are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and *premises*.

**102.3 Application of other codes.** Repairs, additions, demolition, razing or alterations to a structure, or changes of use or occupancy, shall be done in accordance with the provisions of the *Construction Codes*. Nothing in the *Property Maintenance Code* shall be construed to cancel, modify or set aside any provision of the *Construction Codes* or the *Zoning Regulations*, Title 11 DCMR.

**102.4 Existing remedies.** The provisions in the *Property Maintenance Code* shall not be construed to abolish or impair existing remedies of the District of Columbia or its officers or agencies relating to the condemnation, removal or demolition of any structure which is dangerous, unsafe and/or unsanitary, the abatement of nuisance property, or the maintenance of vacant buildings.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the *Property Maintenance Code* shall be executed and installed in a workmanlike manner, installed in accordance with the manufacturer’s installation instructions, and use materials of a quality and kind suitable for the purpose for which used, and of a kind normally used in the



applicable trade.

**102.6 Historic buildings.** The provisions of the *Property Maintenance Code* shall not be mandatory for historic buildings or structures meeting the requirements of Chapter 11 of the *Existing Building Code*, when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

**102.7 Referenced codes and standards.** The provisions of Section 102.4, Referenced Standards, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

**102.8 Matters not covered by the code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public health, safety and welfare, not specifically covered by the *Property Maintenance Code*, shall be determined by the *code official*.

**102.9 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of the *Property Maintenance Code*.

**102.10 Other laws.** The provisions of the *Property Maintenance Code* shall not be deemed to nullify any provisions of local or federal law.

**102.11 Special flood hazard areas.** The storage of equipment or materials that are listed as dangerous materials in 20 DCMR § 3106.2 or that will affect either the base flood elevation or the floodway in any Special Flood Hazard Area, as delineated on the Federal Emergency Management Agency's Flood Insurance Rate Map for the District (20 DCMR § 3101.2), shall be required to obtain a building permit from the Department of Consumer and Regulatory Affairs, pursuant to 12 DCMR A § 105, and comply with the requirements of 20 DCMR Chapter 31.

## **103 DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

**103.1 Department of Consumer and Regulatory Affairs.** The provisions of Section 103, Department of Consumer and Regulatory Affairs, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**103.2 Liability.** The provisions of Section 104.8, Relief from Personal Liability, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**103.3 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under the *Property Maintenance Code* shall be paid in accordance with the applicable fee schedule published in 12 DCMR K as amended from time to time.



## **104 DUTIES AND POWERS OF THE CODE OFFICIAL**

**104.1 General.** The *code official* shall enforce the provisions of the *Property Maintenance Code*.

**104.1.1 Rulemaking authority.** The provisions of Section 104.1.1, Legal Authority, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**104.2 Inspections.** The *code official* shall make all of the required inspections, or shall accept reports of inspection by agencies or individuals *approved by the code official*. All reports of such inspections shall be in writing and be certified by a responsible officer of such agency *approved by the code official* or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.3 Right of entry.** The *code official* is authorized to enter a structure or premise at all reasonable times to inspect and for the purpose of enforcing the *Property Maintenance Code*, subject to constitutional restrictions on unreasonable searches and seizures, and subject to the provisions of this Section. If entry is refused or not obtained, the *code official* is authorized to obtain an administrative search warrant or to pursue any other recourse as provided by law.

**104.3.1 Right of entry – Housing Business License Property.** The *code official*, both prior to the issuance of a housing business license and during the license period, may, at all reasonable hours, enter and inspect the *premises* occupied or to be occupied by a housing business except as provided in Section 104.3.2

**104.3.2 Right of entry of Housing Business License property with tenant.** If it appears that any portion of a premise is under the exclusive control of a *tenant*, or if the operator of a housing business so claims, the *code official* shall not enter that portion of the *premises* without first having obtained permission from the *tenant* or the *tenant's* agent, except as provided in Section 104.3.3.

**104.3.3 Tenant refusal to permit inspection.** If a *tenant* of a housing business does not give permission to inspect that portion of the *premises* under the *tenant's* exclusive control, the *code official* shall not enter that portion of the *premises* unless the *code official* has:

1. A valid administrative warrant permitting the inspection, issued pursuant to D.C. Official Code § 11-941 (2001) or D.C. Superior Court Civil Rule 204; or
2. A reasonable basis to believe that exigent circumstances require immediate entry into that portion of the premises in order to prevent any imminent danger to the public health or welfare.

The refusal of any *tenant* to permit such an inspection shall not result in the revocation or suspension of the housing business license; nor shall such refusal result in the assessment of penalties against the operator of a housing business, provided however, that when the *code official* presents a valid administrative search warrant that permits inspection of *premises* under a *tenant's* exclusive control, the



tenant of a housing business who refuses to give permission to inspect that portion of the premises shall be in violation of the *Property Maintenance Code*.

**104.3.4 Refusal to permit inspection.** If the *owner* or *operator* of a housing business, or agent of such *owner* or *operator*, refuses to permit the *code official* to inspect the *premises* occupied or to be occupied by a housing business, such refusal shall be cause for withholding the issuance of a license for those *premises* until the inspection is permitted and/ or cause for the revocation of any existing license.

**104.3.4.1** As a condition of receiving a housing business license under D.C. Official Code § 47-2828 (2005 Repl.), the *owner* or *operator* of a housing business must agree to:

1. Allow access to the Department for any inspection required under the *Construction Codes*; and
2. Notify any affected *tenant* whose unit requires inspection.

**104.4 Identification.** The provisions of Section 104.5, Identification, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**104.5 Notices and orders.** The *code official* shall issue all necessary notices or orders to ensure compliance with the *Property Maintenance Code*.

**104.6 Department records.** The provisions of Section 104.7, Department Records, of 12 DCMR A, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**104.7 Coordination of inspections.** Whenever in the enforcement of the *Property Maintenance Code* or another code or ordinance, the responsibility of more than one official of the District is involved, it shall be the duty of the officials involved to coordinate their inspections and administrative orders as fully as practicable so that the *owners* and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.

## **105 APPROVAL**

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of the *Property Maintenance Code*, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* representative, provided the *code official* shall first find that special individual reason makes the strict letter of the *Property Maintenance Code* impractical and the modification is in compliance with the intent and purpose of the *Property Maintenance Code* and that such modification does not lessen health, life and fire safety requirements or violate District law or regulations. The details of action granting modifications shall be recorded and entered in the Department files.

**105.2 Alternative materials, methods and equipment.** The provisions of Section 104.11, Alternative Materials, Equipment, Methods of Construction and Design, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.



**105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of the *Property Maintenance Code*, or evidence that a material or method does not conform to the requirements of the *Property Maintenance Code*, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

**105.3.1 Test methods.** Test methods shall be as specified in the *Property Maintenance Code* or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an agency *approved* by the *code official*.

**105.3.2 Test reports.** The provisions of Section 104.7, Department Records, of 12 DCMR A, regarding retention of test reports, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**105.4 Used material and equipment.** The provisions of Section 104.9.1, Used Materials, Equipment and Devices, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**105.5 Permits for repairs and improvements.** Any repair or improvement which may be required by a notice issued under the authority of the *Property Maintenance Code* for which a permit is required to be issued shall not be made until a permit has been issued by the District.

**105.5.1 Issuance of permit.** The permit shall not be conditioned on the making of any repair or improvement, except as required under the *Property Maintenance Code* or in order to comply with a notice issued under the authority of the *Property Maintenance Code*.

**105.5.2 Compliance with applicable laws.** All work under a permit shall be done in accordance with all applicable laws and regulations. The provisions of Section 102.4.1, Conflicts, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

## **106 VIOLATIONS**

**106.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of the *Property Maintenance Code*.

**106.2 Notice of violation.** The *code official* shall serve a notice of violation or order in accordance with Section 107.

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, in addition to any other remedies or penalties otherwise available to the *code official* in the *Property Maintenance Code* or





otherwise, the *code official* may institute the appropriate proceeding at law or in equity to prosecute, restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of the *Property Maintenance Code* or of the order or direction made pursuant thereto.

**106.4 Violation fines and penalties.** Any person, who shall violate a provision of the *Property Maintenance Code*, or fail to comply therewith, or with any of the requirements thereof, shall be subject to the penalties established hereafter and shall be subject to prosecution. In the event of any failure to comply with any provision of the *Property Maintenance Code* following service of a notice of violation or order in accordance with Section 107, each and every day such violation continues shall constitute a separate offense.

**106.4.1 Penalty.** Any person who violates any of the provisions of the *Construction Codes* or orders issued under the authority of the *Construction Codes*, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$2,000, or by imprisonment not exceeding 90 days, or both, for each such offense. Each day a violation continues shall be deemed a separate offense. Prosecutions pursuant to this section shall be brought in the name of the District of Columbia by the Attorney General for the District of Columbia.

**106.4.2 Additional penalty.** Civil fines, penalties, and fees may be imposed, in addition to other available remedies, for any infraction of the provisions of the *Construction Codes*, including the provisions of the *Property Maintenance Code*, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801 *et seq.* (2011 Supp.)) (“Civil Infractions Act”). Adjudication of any infraction shall be pursuant to the Civil Infractions Act.

**106.4.3 Culpability.** Any person, including a *tenant*, who causes a violation of the *Property Maintenance Code*, is subject to the same penalties as those provided in Section 106.4.

**106.4.4 Separate offenses.** The penalties prescribed in Section 106.4 shall be applicable to each separate offense.

**106.4.5 Housing Business License.** The violation of any of the provisions of the *Property Maintenance Code* may be grounds for denial, suspension or revocation of any housing business license or license endorsement under Chapter 28 of Title 47 of the D.C. Official Code and/or the *Housing Code*, Title 14 DCMR.

**106.5 Abatement of violation.** Notwithstanding any other penalties or remedies set forth in Section 106.4, where any person violates a provision of the *Property Maintenance Code*, or fails to comply therewith, or with any of the requirements thereof, following notice as prescribed in Section 107, the *code official* may cause such condition to be corrected. The costs of any corrective action, and all expenses incident thereto, shall be assessed as a tax against the property on which the violative condition existed, and such tax shall be carried on the regular tax rolls of the District, and collected in the same manner as general taxes in the District are collected. Nothing herein shall be construed to abolish or impair existing remedies relating to abatement of nuisance property, including, but not limited to, Chapters 31 and 31A of



Title 42 of the D.C. Official Code.

## **107 NOTICES AND ORDERS**

**107.1 Notice to owner or to person or persons responsible.** Whenever the *code official* determines that there has been a violation of the *Property Maintenance Code* or has grounds to believe that a violation has occurred, notice shall be given to the *owner* or the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3. Notices for closure procedures pursuant to Section 108 shall also comply with Section 108.3.

**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include the name and address of the person or entity being cited.
3. Include a description of the real estate sufficient for identification.
4. Include a statement of the violation or violations, the code section(s) violated, and why the notice is being issued.
5. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of the *Property Maintenance Code*.
6. Include a statement informing the property owner of the right to appeal pursuant to Section 107.8.
7. Include a statement of the right to file a lien in accordance with Section 106.5.

**107.3 Method of service.** The *code official* shall effect service of a notice upon the property owner or person(s) responsible for the violation or violations by one of the following methods, any of which shall be deemed proper service:

1. Personal service on the property owner or persons responsible, or the agents thereof; or
2. By electronic mail to the last-known electronic mail address of the person or business to be notified, provided that a copy of the notice or order is posted in a conspicuous place in or about the structure affected by such notice; or
3. Delivering the notice to the last known home or business address of the property owner or persons responsible as identified by the tax records, business license records, or corporate registration records, and leaving it with a person over the age of 16 years old residing or employed therein; or
4. Mailing the notice, via first class mail postage pre-paid to the last known home or business





address of the property owner or persons responsible or the agents thereof as identified by the tax records, business license records or corporate registration records; or

If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

**107.4 Unauthorized tampering.** Signs, placards, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

**107.5 Penalties.** Penalties for noncompliance with the *Property Maintenance Code* shall be as set forth in Section 106.

**107.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure upon whom a notice of violation or order has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another person or entity until the provisions of the notice or order have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice or order issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice or order and fully accepting the responsibility without condition for making the corrections or repairs required by such notice or order.

**107.7 Copy of notices.** After an inspection of a *dwelling unit* occupied by a *tenant*, the *code official* shall provide the *tenant* with a copy of any notice or order with respect to that unit issued to the *owner* pursuant to the *Property Maintenance Code*. This requirement will be satisfied by mailing a copy to the *tenant* by first-class mail, leaving a copy at the *tenant's* residence, or by any other reasonable method in the *code official's* discretion.

**107.7.1 Notification for multiple tenants.** In any instance where a violation or violations of the *Property Maintenance Code* involve more than one *tenant* of a residential building or dwelling, including violations involving common space, the *code official* shall post a copy of any notice or order issued to the *owner* pursuant to Sections 107.2 and 107.3 for a reasonable time in one or more locations within the building or buildings in which the deficiency exists. The locations for posting the notification shall be reasonably selected to give notice to all *tenants* affected. Any *tenant* directly affected by the violation(s) shall, upon request to the *code official*, be sent a copy of the posted notification.

**107.7.2 Tampering with notification.** No person shall alter, modify, destroy or otherwise tamper with or mutilate a notification posted under Sections 107.7.1 through 107.7.2.

**107.7.3 Application of other notice provisions.** The *code official* shall not be subject to any other *tenant* notification provisions, except as set forth in Sections 107.7.1 through 107.7.3.

**107.8 Appeal and hearing.** Any person directly affected by a notice or order issued under this *Property Maintenance Code* shall have the right to appeal pursuant to Section 112, Appeals, of 12 DCMR A. The provisions of Section 112, 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby



incorporated by reference.

## **108 UNSAFE STRUCTURES PREMISES AND EQUIPMENT**

**108.1 General.** When structures, *premises* or equipment, in whole or in part, are found by the *code official* to be unsafe, dangerous or when a structure is found unfit for human occupancy, or is found unlawful, such structure may be closed by the *code official* pursuant to the provisions of the *Property Maintenance Code* and may be considered for condemnation with referral to the Board of Condemnation, pursuant to An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, as amended, approved May 1, 1906 (34 Stat. 157; D.C. Official Code § 6-901 *et seq.* (2008 Repl.)).

**108.1.1 Unsafe structures.** An unsafe structure or anything attached to or connected with any building or other structure that is found to be unsafe or dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the *premises* or structure.

**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by the *Property Maintenance Code*, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under the *Property Maintenance Code*, or was erected, altered or occupied contrary to law.

**108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.



3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building that remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**108.1.6 Unserviceable equipment.** Whenever the *code official* determines that the repair record on any boiler, air conditioning system, heating equipment, elevator, moving stairway or other equipment on the premises or within a structure reflects the need for replacement of the equipment, the *code official* may declare the equipment “unserviceable” and order the replacement of the equipment.



**108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the *code official*, after providing notice prescribed in Section 108.3, is authorized to post a closure placard on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**108.2.1 Authority to disconnect service utilities.** The provisions of Section 111.3, Authority to Disconnect Service Utilities, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**108.3 Notice.** Whenever the *code official* has closed a structure or discontinued the use of equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3 and An Act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, as amended, approved March 1, 1899 (30 Stat. 923; D.C. Official Code § 6-801 *et seq.* (2008 repl.)). If the notice pertains to equipment, it shall also be placed on the equipment removed from service. The notice shall be in the form prescribed in Section 107.2.

**108.4 Placarding.** Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* a closure placard bearing the words “This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Official”, or post the defective equipment with a placard bearing the words “Removed from Service”, along with a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

**108.4.1 Removal of placard.** The *code official* shall authorize removal of the applicable placards whenever the defect or defects upon which the closure or removal from service actions were based have been eliminated. Any person who defaces or removes a placard without the approval of the *code official* shall be subject to the penalties provided by the *Property Maintenance Code*.

**108.5 Prohibited occupancy.** Any occupied structure, closed and placarded by the *code official*, shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by the *Property Maintenance Code*.

**108.6 Abatement methods.** The *owner*, *operator* or *occupant* of a structure, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

**108.7 Record.** The *code official* shall maintain a report on an unsafe condition. The report shall state the



occupancy of the structure and the nature of the unsafe condition.

## **109 EMERGENCY MEASURES**

**109.1 Imminent danger.** The provisions of Section 116.1, Emergency Measures, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**109.2 Temporary safeguards.** The provisions of Section 116.2, Emergency Measures, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**109.3 Closing streets.** The provisions of Section 116.3, Emergency Measures, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**109.4 Emergency repairs.** The provisions of Section 116.4, Emergency Measures, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**109.5 Costs of emergency repairs.** The provisions of Section 116.5, Emergency Measures, of 12 DCMR A shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

**109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition to the Office of Administrative Hearings, be afforded a hearing as described in Section 107.8.